

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

ALESSANDRO MASI

Plaintiff,

- against -

MYTHICAL ENTERTAINMENT

Defendant.

Docket No. 5:19-cv-438-LWF

PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

I, REBECCA LIEBOWITZ, hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge:

1. I submit this declaration in response to the Order to Show Cause, dated January 14, 2020, entered by the Honorable Louise W. Flanagan (U.S.D.J.).
2. I am an attorney licensed to practice in the State of New York and an associate at Liebowitz Law Firm, PLLC (the "Firm").
3. The Court directed Plaintiff to enter a notice of appearance of substitute counsel in this matter by January 21, 2020. Unfortunately, due to administrative oversight and/or miscalendaring on the part of Richard Liebowitz (who has been disqualified), I only learned of this case today. Upon learning of the action, I promptly filed my notice of special appearance.
4. As there is a fully-briefed motion to dismiss pending [Dkt. #s 19, 24, 25], the action should not be dismissed for failure to prosecute as Plaintiff has recently submitted an opposition brief, which demonstrates his intent to pursue this litigation.

5. Further, as a result of the pending motion to dismiss, Defendant has not suffered any prejudice as a result of my delayed filing of a special notice of appearance, which is less than two weeks past deadline.

6. Accordingly, for good cause shown, we respectfully request that the Court decline to dismiss the action so as to permit the case to be decided on the merits.

Dated: February 3, 2020
Valley Stream, New York

Respectfully Submitted:

/rebeccaliebowitz/

By: Rebecca Liebowitz
LIEBOWITZ LAW FIRM, PLLC
11 Sunrise Plaza, Ste. 305
Valley Stream, NY 11580
(516) 233-1660
rebecca@liebowitzlawfirm.com

Counsel for Plaintiff Masi

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true and correct copy of the foregoing RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE by Rebecca Liebowitz has been served via CM/ECF on February 3, 2020 to all counsel of record

Jordan D. Susman
Nolan Heimann LLP
16133 Ventura Blvd, Suite 820
Encino, CA 91436
818-574-5710
Email: jsusman@nolanheimann.com

Christopher M. Thomas
Parker Poe Adams & Bernstein LLP
PNC Plaza
301 Fayetteville Street, Suite 1400
Raleigh, NC 27601
919-828-0564
Fax: 919-834-4564
Email: christhomas@parkerpoe.com

By: /albertpallan/
Albert P. Allan Esq.
Allan Law Firm, PLLC

